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SENATE BILL 261

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING FOR THE ORGANIZATION,  
POWERS AND ADMINISTRATION OF THE MOTOR TRANSPORTATION DIVISION  
OF THE DEPARTMENT OF PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 65 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] DIVISION ORGANIZED.--There is organized in  
the department the "motor transportation division"."

Section 2. A new section of Chapter 65 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in Sections 1  
through 8 of this act:

- A. "director" means the director of the division;
- B. "department" means the department of public

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1 safety;

2 C. "division" means the motor transportation  
3 division of the department;

4 D. "officer" means a commissioned officer of the  
5 division;

6 E. "personnel board" means the personnel board  
7 created in the Personnel Act; and

8 F. "secretary" means the secretary of public  
9 safety."

10 Section 3. A new section of Chapter 65 NMSA 1978 is  
11 enacted to read:

12 "[NEW MATERIAL] DIVISION--ORGANIZATION.--The division  
13 shall consist of a director, deputy director, majors, captains,  
14 lieutenants, sergeants, patrol officers and noncommissioned  
15 personnel according to the Personnel Act within the limits of  
16 the funds appropriated for the division."

17 Section 4. A new section of Chapter 65 NMSA 1978 is  
18 enacted to read:

19 "[NEW MATERIAL] APPOINTMENTS--REMOVAL.--The secretary  
20 shall appoint the director. The director shall serve at the  
21 pleasure of the secretary. The director is the executive  
22 officer of the division and shall be subject to the control,  
23 supervision and direction of the secretary. All officers and  
24 civilian employees of the division shall be appointed by the  
25 director according to personnel board rules."

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1           Section 5. A new section of Chapter 65 NMSA 1978 is  
2 enacted to read:

3           "[NEW MATERIAL] QUALIFICATIONS OF AN OFFICER.--An officer,  
4 except the director, shall:

5           A. at the time of the officer's appointment, be a  
6 citizen of the United States and at least twenty-one years of  
7 age;

8           B. be of good moral character and not have been  
9 convicted of a felony or an infamous crime in a court of a  
10 county, this state or another state or in a federal court;

11           C. pass a physical examination and any other  
12 examination the department may require; and

13           D. hold a high school diploma or the equivalent."

14           Section 6. A new section of Chapter 65 NMSA 1978 is  
15 enacted to read:

16           "[NEW MATERIAL] DIRECTOR AND OTHER OFFICERS--POWERS AND  
17 DUTIES.--The director and other officers shall be:

18           A. peace officers in the performance of their  
19 duties with full power to apprehend, arrest and bring before  
20 the proper court law violators within the state and authority  
21 to enforce the Motor Carrier Act, the Motor Transportation Act,  
22 the Motor Vehicle Code and the Criminal Code; and

23           B. ex-officio deputies and agents of the officers  
24 of the taxation and revenue department and of the officers and  
25 departments within the state charged with registration of motor

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1 vehicles and the issuance of licenses to operators of motor  
2 vehicles."

3 Section 7. A new section of Chapter 65 NMSA 1978 is  
4 enacted to read:

5 "[NEW MATERIAL] COMMISSIONS--SALARY.--

6 A. The director shall commission officers.

7 B. The personnel board shall determine the pay band  
8 assignments for officers."

9 Section 8. A new section of Chapter 65 NMSA 1978 is  
10 enacted to read:

11 "[NEW MATERIAL] UNIFORM AND BADGES--UNIFORM ALLOWANCE TO  
12 BE SET BY SECRETARY.--The secretary shall prescribe a suitable  
13 and distinctive uniform for officers. The secretary shall  
14 provide and issue to each officer a uniform and an appropriate  
15 badge, which shall contain in plain legible letters the words  
16 "Motor Transportation Police". The prescribed uniform and  
17 badge shall be worn at all times when on duty, except by  
18 direction of the director, the secretary or the governor. A  
19 uniform allowance shall be established by the secretary and  
20 allowed in addition to an officer's and a noncommissioned  
21 uniformed employee's salary and paid according to department  
22 policy."